

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DOCKLIGHT BRANDS, INC.,

Plaintiff,

vs.

TILRAY, INC. AND HIGH PARK
HOLDINGS, LTD.;

Defendants.

CASE NO. 2:21-cv-1692

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT DEFENDANTS TILRAY, INC. AND HIGH PARK HOLDINGS, LTD. hereby remove this action, captioned *Docklight Brands, Inc. v. Tilray, Inc. and High Park Holdings, Ltd.*, bearing case number 21-2-14734-4 SEA (the “Action”), from the Superior Court of the State of Washington for King County to the United States District Court for the Western District of Washington. Tilray, Inc. (“Tilray”) and High Park Holdings, Ltd. (“High Park”) (collectively, the “Defendants”) remove this Action under 28 U.S.C. §§ 1332, 1441(a) and (b), and 1446 for the reasons stated below.

BACKGROUND

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2 1. On or about November 5, 2021, Plaintiff Docklight filed a complaint
3 against Defendants Tilray and High Park in the Superior Court of the State of
4 Washington for King County.

5 2. On or about November 8, 2021, Plaintiff filed a jury demand in the
6 Action (the “Jury Demand”).

7 3. On or about November 22, 2021, Defendants’ counsel accepted service
8 of the complaint and summonses on behalf of Defendants Tilray and High Park, which
9 Acceptance of Service was then filed on November 23, 2021.

10 4. On or about November 23, 2021, the Parties stipulated and agreed to an
11 extension of Defendants’ deadline to respond to Plaintiff’s complaint by January 21,
12 2022.

13 5. On or about November 24, 2021, the Superior Court entered an order
14 extending Defendants’ deadline to respond to Plaintiff’s complaint to January 21,
15 2022.

16 6. On or about December 10, 2021, Plaintiff Docklight filed an amended
17 complaint against Defendants Tilray and High Park in the Superior Court of the State
18 of Washington for King County (the “Amended Complaint”).

19 7. On or about December 21, 2021, the Parties stipulated and agreed to
20 remove the Action to the United States District Court for the Western District of
21 Washington.

22 8. Pursuant to 28 U.S.C. § 1446(a), a copy of the Amended Complaint is
23 attached hereto as Exhibit 1. A copy of the Jury Demand is attached hereto as
24 Exhibit 2. A copy of the Civil Cover Sheet is attached hereto as Exhibit 3.

25 9. Plaintiff brings causes of action for (i) Breach of Contract and
26 (ii) Negligent Misrepresentation. *See* Amend. Compl. at 12-14.

10. Defendants' time to answer the Amended Complaint has not expired, and Defendants have not served or filed an Answer in the Action.

11. This Action is removable under the 28 U.S.C. § 1332(a). Defendants have satisfied all procedural requirements of 28 U.S.C. § 1446 and hereby remove this Action to the United States District Court for the Western District of Washington under 28 U.S.C. §§ 1332, 1441(a) and (b), and 1446.

VENUE AND JURISDICTION

12. **Venue.** The United States District Court for the Western District of Washington is a federal judicial district embracing the Superior Court of the State of Washington for King County, where Plaintiff originally filed this Action. Venue is therefore proper under 28 U.S.C. § 1441(a).

13. **Basis of Original Jurisdiction.** This Court has original jurisdiction over the Action pursuant to 28 U.S.C. § 1332(a), and Defendants Tilray and High Park are entitled to remove the Action to this Court under 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states, the amount in controversy exceeds \$75,000 exclusive of interests and costs, and all other requirements for removal have been satisfied.

14. **Diversity of Citizenship.** For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship between the parties opposed in interest. *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1181 (9th Cir. 2004). Here, the diversity of citizenship requirement of 28 U.S.C. § 1332 has been satisfied because Plaintiff is a Washington citizen and both of the Defendants are citizens of states other than Washington.

15. For purposes of diversity jurisdiction, it is black-letter law that a corporation is "a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of

1 business” 28 U.S.C. § 1332(c)(1); *see also, e.g., Hertz Corp. v. Friend*, 559 U.S.
2 77, 78 (2010).

3 16. Neither Defendant is a citizen of Washington. Defendant Tilray is now,
4 and was at the time this Action was commenced, a corporation organized under the
5 laws of Delaware, with principal offices in New York and Canada, and with a majority
6 of its business operations and activities occurring in Canada. Defendant High Park, a
7 wholly-owned subsidiary of Tilray, is now, and was at the time this Action was
8 commenced, a limited company organized under the laws of Canada, with principal
9 offices in Canada, and with all of its business operations and activities occurring in
10 Canada.

11 17. Accordingly, Defendants Tilray and High Park are now, and were at the
12 time this Action was commenced, citizens of a state other than Washington within the
13 meaning of 28 U.S.C. § 1332(c)(1).

14 18. ***Amount in Controversy.*** The amount in controversy exceeds \$75,000.
15 *See* 28 U.S.C. § 1332(a). “If removal of a civil action is sought on the basis of the
16 jurisdiction conferred by section 1332(a), the sum demanded in good faith in the
17 initial pleading shall be deemed to be the amount in controversy” 28 U.S.C.
18 § 1446(c)(2). Plaintiff has demanded damages “in a bare minimum amount of
19 \$625,000 Canadian, plus interest” (*see* Compl. 11, ¶ 4.34), which equates to more
20 than U.S. \$500,000 at current exchange rates. Thus, the amount in controversy
21 requirement under 28 U.S.C. §1332(a) has been met.

22 19. ***Timeliness.*** This removal notice is timely, as required by 28 U.S.C.
23 § 1446(b). The thirty-day removal period begins to run when the defendant is served
24 with the complaint or summons. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526
25 U.S. 344, 354 (1999). Both Tilray and High Park accepted service on November 22,
26 2021, and therefore removal is timely.

1 20. *No Exceptions Apply.* The exceptions to removal under 28 U.S.C.
2 §§ 1332(d) and 1446 do not apply here.

3 21. *Other Removal Requirements.* The other procedural requisites for
4 removal are satisfied. Defendants Tilray and High Park have complied with 28 U.S.C.
5 §§ 1446(a) and (d). Under 28 U.S.C. § 1446(a), a true and correct copy of all of the
6 process, pleadings, or orders on file in the state court and served in the state court are
7 attached hereto as Exhibit 1 (Amended Complaint), Exhibit 2 (Jury Demand), and
8 Exhibit 3 (the remainder of the state court docket). Under 28 U.S.C. § 1446(d), a
9 notice of filing of removal, with a copy of this Notice of Removal attached, will
10 promptly be filed with the clerk of the Superior Court of the State of Washington for
11 King County, Case No. 21-2-14734-4 SEA, and Defendants will promptly serve a
12 notice of filing of removal, with a copy of this Notice of Removal attached, on
13 Plaintiff's attorney. A copy of the state court notice is attached hereto as Exhibit 5,
14 and a copy of the adverse party notice is attached hereto as Exhibit 6.

15 22. Furthermore, per the stipulation of removal filed in the King County
16 Superior Court, Plaintiff agrees that the jurisdictional requirements are established
17 here and stipulates to Defendants' removal.

18 CONCLUSION

19 Defendants Tilray and High Park intend no admission of fact, law, or liability
20 by this Notice, and reserve all defenses, motions, and pleas. Defendants pray that this
21 Action be removed to this Court for determination, that all further proceedings in the
22 state court suit be stayed, and that Defendants obtain all additional relief to which they
23 are entitled.

1 DATED: Seattle, WA
2 December 21, 2021

QUINN EMANUEL URQUHART &
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3
4 By /s/ Alicia Cobb

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13 *Attorneys for Defendants Tilray, Inc., and*
14 *High Park Holdings, Ltd.*

CERTIFICATE OF SERVICE

I hereby certify that, on the below date, I caused a true and correct copy of this document to be delivered, via email and U.S. mail, to counsel of record as follows:

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DATED this 21st day of December, 2021, at Seattle, Washington.

/s/ Alicia Cobb
Alicia Cobb, WSBA # 48685